

ORDINANCE _____

AN ORDINANCE relating to Unfair Public Accommodation Practices; amending sections 14.06.020 and 14.06.030 to add the right of a mother to breastfeed her child in places of public accommodation free from discrimination.

WHEREAS, breastfeeding discrimination is a race and social justice issue with people of color in Seattle experiencing lower breastfeeding rates and higher rates of preterm birth, infant mortality, maternal mortality, diabetes and obesity than white residents; and

WHEREAS, infant mortality and low birth weight disproportionately impact Native American and African American women in King County, and addressing this disproportionality has been a Seattle Women's Commission priority since 2006 ; and

WHEREAS, eliminating societal barriers to breastfeeding will enable more women to successfully continue to breastfeed their children for longer. While 75% of U.S. babies start out breastfeeding according to the Centers for Disease Control and Prevention, only 13% are exclusively breastfed for the recommended six months; and
according to the Centers for Disease Control and Prevention, only 13% are exclusively breastfed for the recommended six months; and

WHEREAS, anything less than exclusive breastfeeding for the first 6 months of life increases health risks for babies, particularly to the immune and digestive systems and yet this marker is difficult to attain when women are not supported or face discrimination for breastfeeding their children in places of public accommodation; and

WHEREAS, in 2009, House Bill 1596 passed the Washington State Legislature unanimously and was signed into law by Governor Gregoire. The law amended the Washington Law Against Discrimination (WLAD) to include civil rights protections for mothers to breastfeed their child in any place of public accommodation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance 123527, is as follows:

SMC 14.06.020 Definitions.

1 Definitions as used in this chapter, unless additional meaning clearly appears from the
2 context, shall have the meanings subscribed:

3 L. "Discrimination" means any conduct, whether by single act or as part of a practice, the
4 effect of which is to adversely affect or differentiate between or among individuals or
5 groups of individuals, because of race, color, creed, religion, ancestry, national origin,
6 age, sex, marital status, parental status, sexual orientation, gender identity, political
7 ideology, honorably discharged veteran or military status, participation in a Section 8
8 program, the presence of any disability, ~~or~~ the use of a service animal by a disabled
9 person, or the right of a mother to breastfeed her child.

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13 AA. "The right of a mother to breastfeed her child" means a mother's right to feed her
14 child directly with milk from her breast or to pump milk from her breast for future
15 consumption by her child, without being required to cover her breast or to move to a
16 particular location within or outside of the public accommodation on account of the act of
17 breastfeeding.

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19 Section 2. Section 14.06.030 of the Seattle Municipal Code, last amended by Ordinance
20 123527, is amended as follows:

21 SMC 14.06.030 Unfair practices.

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23 A. Unfair practices as defined in this chapter are contrary to the public peace, health,
24 safety and general welfare and are prohibited by the City in the exercise of its police
25 power.

1 B. It is an unfair practice for any person to discriminate in a place of public
2 accommodation by:

3 1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform
4 rates; or

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6 2. Refusing or withholding admission, patronage, custom, presence, frequenting,
7 dwelling, staying, or lodging; or

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9 3. Denying, directly or indirectly, the full enjoyment of any available goods, services,
10 accommodations, facilities, privileges or advantages; or

11 4. Printing, circulating, issuing, displaying, posting, mailing or otherwise causing,
12 directly or indirectly, to be published a statement, advertisement or sign which indicates
13 directly or indirectly that the full enjoyment of the goods, services, facilities, privileges,
14 advantages, and accommodations will be refused, withheld, denied or in some manner
15 limited or restricted or that an individual's patronage of or presence at a place of public
16 accommodation is objectionable, unwelcome, unacceptable or undesirable; or

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18 5. Harassing, intimidating, or otherwise abusing any person or person's friends or
19 associates because of race, color, creed, religion, ancestry, national origin, age, sex,
20 marital status, parental status, sexual orientation, gender identity, political ideology,
21 honorably discharged veteran or military status, participation in a Section 8 program, the
22 presence of any disability, ~~or~~ the use of a trained dog guide or service animal by a
23 disabled person, or a mother breastfeeding her child with the purpose or effect of denying
24 to such person the rights granted in this chapter; or

6. Harassing, intimidating, retaliating, or obstructing a person in any manner because such person complied with or proposed to comply with this chapter or any order issued under this chapter, or filed a charge or complaint, testified, or assisted in any investigation, proceeding or hearing under this chapter; or

7. Coercing, intimidating, threatening or otherwise interfering with any person in the exercise or enjoyment of or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this chapter; or

8. Applying any economic sanctions or denying membership privileges because of compliance with this chapter; or

9. Aiding, abetting, inciting, compelling or coercing the doing of any act defined in this chapter to be an unfair practice; or

10. Attempting to commit any act defined in this chapter to be an unfair practice.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Sect Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this ____ day of _____, 2012.

President _____ of the City Council

Approved by me this ____ day of _____, 2012.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

Monica Martinez Simmons, City Clerk

(Seal)